

Message Text

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ACTION ORM-02

INFO OCT-01 IO-13 ISO-00 DHA-02 AF-08 ARA-10 EA-09 EUR-12

NEA-10 L-03 SS-15 SP-02 NSC-05 CIAE-00 INR-07 NSAE-00

/099 W

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R 201137Z JAN 77

FM USMISSION GENEVA

TO SECSTATE WASHDC 4637

INFO USMISSION USUN NEW YORK

UNCLAS GENEVA 0361

E.O. 11652: N/A

TAGS: SREF, UNHCR

SUBJ: TERRITORIAL ASYLUM CONVENTION, COMMITTEE OF THE WHOLE,
6TH AND 7TH MEETING, JANUARY 19, 1977

SUMMARY. WORKABLE TEXT OF ARTICLE 1 ADOPTED BY COMMITTEE OF THE WHOLE. COMMITTEE HAS EMBARKED ON ARTICLE 2.

1. AT 6TH MEETING, FIRM AND EFFECTIVE CHAIRMAN, WITH ASSISTANCE OF STRONG STATEMENTS BY AUSTRALIA, US, COLOMBIA, MEXICO, AND NORWAY, PRESSED PROPOSALS RELATING TO ARTICLE 1 TO VOTE DESPITE EFFORTS OF USSR, BANGLADESH, BULGARIA AND NIGERIA TO DEFER VOTE AND SET UP WORKING GROUP, AND DESPITE REPEATED PATENTLY FRIVOLOUS POINTS OF ORDER BY EASTERN EUROPEANS. COMMITTEE ADOPTED EXPERTS' TEXT WITH SEAKENING AMENDMENT BY JORDAN (CHANGE "USE ITS BEST ENDEAVORS" TO "ENDEAVOR"). AT THIS STAGE, USDEL VOTED AGAINST ANY CHANGE IN EXPERTS' DRAFT. VOTING WAS AS FOLLOWS:

A. NIGERIA PROPOSAL TO DEFER VOTE: 32-45 (US)-7, REJECTED.

B. FRG PROPOSAL (L.7) FOR ARTICLE 1:4-53(US)-21, REJECTED.

C. AUSTRIA WITHDREW L.5.

D. PAKISTAN PROPOSAL (L.14):13-30(US)-32, REJECTED.

E. GUATEMALA WITHDREW L.19.

F. ARGENTINA PROPOSAL (L.1,REV.1): 3-35(US)-43, REJECTED.

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G. CUGAN PROPOSAL (L.3): 23-26(US)-28, REJECTED.

H. JORDANIAN AMENDMENT TO EXPERTS' TEXT OF ARTICLE 1 (L.16): 31-29(US)-18, ADOPTED.

I. EXPERTS' TEXT, AS AMENDED BY JORDAN: 56(US)-2-17(USSR), ADOPTED.

2. AFTER VOTE SEVERAL LATIN AMERICAN DELEGATIONS, ON POINTS OF ORDER, OBJECTED THAT ERROR BY TRANSLATORS HAD CAUSED THEM TO BE-

LIEVE THAT THEY WERE VOTING ON ORIGINAL EXPERTS' TEXT ("BEST ENDEAVORS") RATHER THAN AMENDED EXPERTS' TEXT ("ENDEAVOR"). THIS HIGHLY IMPLAUSIBLE, SINCE CHAIRMAN HAD READ VERBATIM TEXT TO BE VOTED ON THREE TIMES DURING THE MEETING. LATIN AMERICANS, SUPPORTED, OF COURSE, BY UBIQUITOUS EASTERN EUROPEANS, URGED RECONSIDERATION AND NEW VOTE.

3. WHEN COMMITTEE RECONVENED FOR 7TH MEETING, ECUADOR AND PERU URGED THAT NEW VOTE BE HELD ON AMENDED EXPERTS' TEXT. US OPPOSED, ARGUING THAT IT WAS UNLIKELY THAT A TRANSLATION ERROR COULD MATERIALLY CHANGE A 56-2 VOTE. CHAIR PUT MOTION FOR RECONSIDERATION TO VOTE: 17-18(US)-39, REJECTED. A TWO-THIRDS MAJORITY WOULD, IN ANY EVENT, HAVE BEEN REQUIRED.

4. DENMARK (L.15) AND GHANA (L.6) HAD PROPOSED SECOND PARAGRAPH OF ARTICLE 1 DEALING WITH PERSONS WHO MAY HAVE CLAIMS OF ASYLUM IN MORE THAN ONE STATE. USDEL DID NOT WISH TO INVOLVE ITSELF IN POSSIBLE CONTROVERSY AND ABSTAINED. DANISH SECOND PARAGRAPH ADOPTED 25-23-27(US).

5. SUBJECT TO MASSAGING BY DRAFTING COMMITTEE, TEXT OF ARTICLE 1 ADOPTED BY COMMITTEE OF THE WHOLE IS AS FOLLOWS:

"1. EACH CONTRACTING STATE, ACTING IN THE EXERCISE OF ITS SOVEREIGN RIGHTS, SHALL ENDEAVOR, IN A HUMANITARIAN SPIRIT, TO GRANT ASYLUM IN ITS TERRITORY TO ANY PERSON ELIGIBLE FOR THE BENEFITS OF THIS CONVENTION.

"2. ASYLUM SHOULD NOT BE REFUSED BY A CONTRACTING STATE SOLELY ON UNCLASSIFIED

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THE GROUND THAT IT COULD BE SOUGHT FROM ANOTHER STATE. WHERE IT APPEARS THAT A PERSON REQUESTING ASYLUM FROM A CONTRACTING STATE HAS ESTABLISHED A CONNECTION OR ALREADY HAS CLOSE LINKS WITH ANOTHER STATE, THE CONTRACTING STATE MAY, IF IT APPEARS FAIR AND REASONABLE, REQUIRE HIM FIRST TO REQUEST ASYLUM FROM THAT STATE."

6. EXPLANATION OF VOTES BY AUSTRIA, ITALY, FRANCE, SWEDEN, MEXICO, USSR, COLOMBIA, PERU, GUATEMALA, BANGLADESH, NORWAY, ECUADOR, ICELAND AND ROMANIA.

7. SUBSTANTIAL NUMBER OF AMENDMENTS TO ARTICLE 2 WERE INTRODUCED BY SPONSORS. SECRETARIAT IS PREPARING A TABLE WHICH USDEL WILL TRANSMIT TO DEPARTMENT (SLUGGED CARLIN AND SCHWEBEL) AND USUN AS QUICKLY AS POSSIBLE.

8. US PROPOSALS ON ARTICLE 3 (L.44) AND ARTICLE 4 (L.45) HAVE BEEN DISTRIBUTED BY SECRETARIAT.CATTO

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Message Attributes

Automatic Decaptioning: X
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Channel Indicators: n/a
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Decaption Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
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Enclosure: n/a
Executive Order: N/A
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Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
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Review Release Event: n/a
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Review Withdrawn Fields: n/a
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Status: NATIVE
Subject: TERRITORIAL ASYLUM CONVENTION, COMMITTEE OF THE WHOLE, 6TH AND 7TH MEETING, JANUARY 19, 1977 SUMMARY.
WORKABLE TEXT OF ARTICLE 1 ADOPTED BY COM
TAGS: SREF, OCON, UNHCR
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/acf107d4-c288-dd11-92da-001cc4696bcc
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